

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARLOW TODD EGGUM,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C14-1328-RAJ-MAT

ORDER REFERRING CASE TO
FEDERAL PUBLIC DEFENDER FOR
REVIEW

This is a 28 U.S.C. § 2254 federal habeas action. Petitioner has filed a motion to appoint counsel. (Dkt. 82.) There is no constitutional right to appointment of counsel in actions brought under § 2254; however, the Court may exercise its discretion to appoint counsel for a financially eligible individual where the “interests of justice so require.” 18 U.S.C. § 3006A; *see also Weygardt v. Look*, 718 F.2d 952 (9th Cir. 1983). It appears from the record that appointment of counsel may be warranted in the instant action. The Court thus ORDERS:

(1) This matter is referred to the Office of the Federal Public Defender for review.

(2) Within *twenty-one (21) days* of the date this Order is signed, the Office of the Federal Public Defender shall advise the Court whether it intends to seek appointment in this matter. If the Office of the Federal Public Defender determines that it will seek appointment in

1 this matter, it shall assist petitioner in preparing a revised motion for appointment of counsel, as
2 well as a financial affidavit that will allow the Court to determine whether petitioner is
3 financially eligible for such an appointment.

4 (3) The Clerk is directed to send copies of this Order to the parties, to the Office of
5 the Federal Public Defender, and to the Honorable Richard A. Jones.

6 DATED this 7th day of February, 2017.

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9 Mary Alice Theiler
United States Magistrate Judge